

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN JEFFERY RICHSON-BEY

No. 1:22-cv-00865-HBK (PC)

Plaintiff,

STIPULATION OF DISMISSAL WITHOUT
PREJUDICE UNDER FED. R. CIV. P. 41
(a)(1)(A)(i)

v.

S. PARKS

(Doc. No. 9)

Defendant.

Pending before the Court is Plaintiff's "motion to withdraw action pursuant to 18 U.S.C. § 242" filed October 11, 2022. Plaintiff, Sean Jeffery Richson-Bey, is a state prisoner who initiated this action pro se by filing a civil rights complaint pursuant to 42 US.C. § 1983 on July 14, 2022. (Doc. No. 1). On August 8, 2022, the Court granted Plaintiff *in forma pauperis* status and assessed the full \$350.00 filing fee under 28 U.S.C. § 1915(b)(1) due to Plaintiff's prisoner status. (Doc. No. 7). In his motion, Plaintiff requests to "terminate the instant complaint". . . "in the interests of judicial economy." (Doc. No. 9 at 1).

Liberally construed, the Court construes the motion as a notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). In pertinent part, the Rule permits a plaintiff to "dismiss an action without

1 a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a
2 motion for summary judgment.” *Id.* Furthermore, “unless the notice or stipulation states otherwise,
3 the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

4 As of the date of this order, the Court has not conducted a screening of the complaint
5 under 28 U.S.C. § 1915A. Based on Plaintiff’s notice, this action is terminated by operation of
6 law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i). Because the Court has
7 not yet screened the complaint, *as a one-time courtesy*, the Court will vacate its order granting
8 Plaintiff *in forma pauperis* status and direct the California Department of Corrections to cease
9 any further deductions from Plaintiff’s inmate trust fund account.

10 Accordingly, it is **ORDERED**:

11 1. The Clerk of Court is directed to terminate any deadlines and motions and CLOSE this
12 case to reflect Plaintiff’s voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i).

13 2. The Court VACATES its August 8, 2022 Order granting Plaintiff’s motion to proceed
14 *in forma pauperis* (Doc. No. 7). **The Director of CDCR is no longer required to collect any
15 payments from Plaintiff’s prison trust account for this case.**

16 3. The Clerk of Court is further directed to provide a copy of this Order on (1) the
17 Director of the California Department of Corrections via the Court’s electronic case filing system
18 (CM-ECF) and (2) the Financial Department, U.S. District Court, Eastern District of California,
19 Sacramento Division.

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21 Dated: October 12, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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